

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NAKIA ROSE,

Plaintiff,

O. GARRITT, et al.,

Defendants.

**ORDER**

16-CV-03624 (PMH)

PHILIP M. HALPERN, United States District Judge:

Counsel for Plaintiff and Defendants appeared for oral argument on Defendants' motions *in limine* today. Although the parties were offered the opportunity to address the Court on the issues raised in the briefing, counsel rested on their papers. For the reasons stated on the record and the law cited therein, the Court directs as follows:

1. That branch of Defendants' motions *in limine* seeking preclusion of Plaintiff's Exhibits 1, 12, 13, 17, 18, 19, 20, 21, 22, 23, 25, and 26 is denied. The parties are directed to meet and confer to redact any reference to healthcare grievances contained in those documents. As noted on the record, this ruling does not preclude the Exhibits from being offered at trial.
2. That branch of Defendants' motions *in limine* seeking leave to cross-examine Plaintiff on his criminal history is granted in part. Evidence as to the fact that Plaintiff is currently incarcerated on the basis of felony convictions is admissible; the names, nature, number, dates, and sentences of the convictions are not.
3. Defendants' application to take a *de bene esse* deposition is granted. Objections to testimony taken during that deposition will be addressed at trial as needed.
4. Plaintiff will submit promptly a *subpoena ad testificandum* to ensure his appearance at trial.

5. The parties are directed to meet and confer and submit to the Court, by June 18, 2021, a short, joint statement about this case which will be read to the panel of jurors during the voir dire process.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 101.

**SO ORDERED:**

Dated: White Plains, New York  
June 2, 2021



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PHILIP M. HALPERN  
United States District Judge